

Exhibit 15

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re: Methyl Tertiary Butyl Ether ("MtBE")
Products Liability Litigation

MDL No. 1358
Master File C.A. No.
1:00-1898 (SAS)

This document relates to the following cases:

City of New York v. Amerada Hess Corp., et al.
04 Civ. 3417

EXPERT SITE SPECIFIC REPORT OF MARCEL MOREAU

Marcel Moreau Associates
73 Bell Street
Portland, ME 04103

Marcel Moreau

Signature

February 6, 2009

Date

QUALIFICATIONS

I am a nationally recognized expert in underground petroleum storage systems. Since 1983 I have worked exclusively in the petroleum storage field, chiefly in the areas of regulation, storage system design, leak detection technology, and regulatory compliance assessment.

I have served as consultant to many private and governmental clients, including the U.S. Environmental Protection Agency (EPA), the Chesapeake Division of the U.S. Navy, the Petroleum Equipment Institute, the American Petroleum Institute, and the California State Water Resources Control Board. In 2005, I provided regulatory compliance and consulting services for Irving Oil Corporation.

I have provided technical training concerning underground storage systems to state regulatory personnel in Alabama, Alaska, Arizona, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, New Hampshire, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

I have authored a chapter discussing the federal underground tank regulatory program in the *Handbook of Storage Tank Systems*, a textbook sponsored by the Steel Tank Institute.

I am a regular columnist for the U.S. EPA newsletter L.U.S.T.Line, and an occasional contributor to the steel tank industry newsletter Tank Talk.

I have co-authored a paper entitled "MTBE as a Ground Water Contaminant," published in the 1986 *Proceedings of the Petroleum Hydrocarbons and Organic Chemicals in Ground Water – Prevention, Detection and Restoration – A Conference*

and Exposition co-sponsored by the American Petroleum Institute and the National Water Well Association.

As a consultant to the Petroleum Equipment Institute (PEI), I have worked with PEI committees to produce seven industry recommended practices, including *Recommended Practices for Installation of Underground Liquid Storage Systems* (1997, 2000, and 2005 editions), *Recommended Practices for Installation of Aboveground Storage Systems for Motor Vehicle Fueling* (1999 and 2003 editions), *Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites* (2004 edition), *Recommended Procedure for Testing Electrical Continuity of Fuel-Dispensing Hanging Hardware* (2002 edition), *Recommended Practices for Inspection and Maintenance of Motor Fuel Dispensing Equipment* (2005 edition), *Recommended Practices for Overfill Prevention for Shop-Fabricated Aboveground Tanks* (2007 edition), and *Recommended Practices for the Inspection and Maintenance of UST Systems* (2008 edition). I am currently developing new recommended practices for PEI on the topics of marina fueling systems and the design and installation of lubricant distribution systems.

I have discussed storage tank issues with editors from the trade publications National Petroleum News and Convenience Store News, and the television news magazine 60 Minutes.

Since 1991, I have been the president of Marcel Moreau Associates in Portland, Maine, a firm providing information and educational services related to petroleum storage systems for government, industry trade organizations, and private sector clients.

A significant facet of my professional career is the analysis of underground storage system failure.

I have testified as an expert witness regarding the sources and potential effects of MtBE releases from underground gasoline storage tanks in several prior MtBE litigations, including *South Tahoe Public Utility District v. Atlantic Richfield Co., et al.* San Francisco Superior Court Case No. 999128; *Communities for a Better Environment v. Unocal Corp., et al.*, San Francisco Superior Court Case No. 997013 and *Dunne, et al. v. Shell Oil Company*, Index #96-13856T, Supreme Court of the State of New York, County of Westchester.

A listing of my publications and the cases in which I have provided deposition and trial testimony is contained in my curriculum vitae which is attached to this report as Appendix A.

I am being compensated for my time at the rate of \$255 per hour. No portion of my compensation is contingent upon the outcome of this litigation.

ASSIGNMENT

At the request of the Plaintiff, Marcel Moreau Associates (MMA) conducted a file review of documents associated with certain facilities where underground storage systems containing petroleum products were installed. The purpose of the file review was to determine whether the origin, magnitude, and duration of releases of petroleum from these facilities could be identified.

METHODOLOGY

MMA reviewed documents pertaining to certain facilities (Priority Sites) containing underground petroleum storage systems identified by others to be likely sources of MtBE contamination in the New York City water supply wells located in Queens County, New York. Files pertaining to other underground petroleum facilities located in Queens County were also reviewed. The data files came from the following sources:

- (1) site remediation files supplied by the defendants;
- (2) information obtained through Freedom of Information Act (FOIA) requests to the New York State Department of Conservation (NYSDEC); and
- (3) a contaminant inventory report purchased from Toxics Targeting, Inc. in March 2008 and updated in October 2008.

MMA first organized the information available from these sources by street address. The Priority Sites included 22 sites identified as likely sources of releases that may have

contaminated focus wells selected by the Plaintiff, and 14 sites identified as likely sources of releases that may have contaminated focus wells selected by Defendants. Four sites appeared on both lists, for a net total of 32 Priority Sites. Files for an additional 20 arbitrarily selected sites were also reviewed, for a grand total of 52 sites. Summaries of the information reviewed for these sites are included in Appendix B. A table summarizing the findings is presented in Appendix C. The significant statistics from the analysis are compiled in the tables below.

FINDINGS

Data for all 52 facilities are included in this analysis. A total of 118 release incidents were identified from these facilities. Most of these release incidents were identified by the spill numbers assigned by the New York State Department of Environmental Conservation (NYSDEC). A few incidents were identified based on the discovery of contamination or inventory analyses.

Release Source

The release source was typically the storage system component from which a release originated. In the case of spills, the source may have been a fuel delivery vehicle or a vehicle component. For purposes of classification, these sources are listed as “Other Equipment.” Release sources are not always clearly identified, but our analysis of sources is presented in Table 1.

Table 1: Sources of Releases					
	UST	Piping	Dispenser	Other Equipment	Unknown
Number	27	13	10	20	48
Percent	23	11	8	17	41

How Releases Were Discovered

Underground releases were typically identified by excavation activities (most often tank removal) or by tank or line testing activities. Surface spills and accidents were typically

discovered through incident reports to NYSDEC. For a few releases, documentation of the discovery of the release was not discovered in the files reviewed. Table 2 summarizes how releases were discovered.

Table 2: How Releases Were Discovered					
	Excavation or Investigation	Product Observed in Sump or Wells	Tank/Line Test, Inventory Analysis	Incident Report	Unknown
Number	50	9	31	22	6
Percent	42	8	26	19	5

Overall, 42 percent of the releases were discovered through excavation or groundwater investigation. If only subsurface releases are counted, the percentage of releases discovered through excavation or groundwater investigation is even higher. The majority of the releases discovered through “incident reports” are surface spills resulting from fuel deliveries, automobiles driving off with nozzles, and similar very visible incidents. If the 22 incident reports and 6 incidents where the release discovery mechanism is unknown are removed from the calculation, the percentage of subsurface releases discovered through soil excavation or groundwater investigation rises to 55 percent.

Volume Released

The volume of the release was unknown in the majority of cases. Leak rates (gallons/hour) were sometimes reported with failed tightness tests or with failed inventory analyses. The volume spilled (gallons) was frequently estimated for surface spills, but the accuracy of these estimates is unknown. In a few cases, the total volume that may have been released was estimated from inventory analyses conducted as part of our analysis. The number of releases where some estimate of the leak rate or volume released was obtained is presented in Table 3.

Table 3: Volume Released			
	Total Gallons	Leak Rate Gal/hr	Unknown
Number of Releases with Data	26	7	90
Percent	21	6	73

While inventory control does indicate when there is an unaccounted loss of product at a facility, inventory control records by themselves are of limited usefulness because there are other factors that can cause a loss of product, especially miscalibrated meters. Generally, it is necessary to have maintenance records or other supporting information to confirm that the loss trend that is evident in the inventory records is indeed a release into the environment. For example, the facility at 84-04 Parsons Blvd., had both a brief period of inventory records as well as contemporaneous documents indicating that a line leak detector had caused a leak. Unfortunately, this was the only facility that had both inventory and other supporting documents available. In the absence of supporting documents such as maintenance, repair, or inspection records, the inventory records can only indicate an unaccounted for loss which may or may not have been caused by a release.

Timing of Releases

Tank and line testing may occasionally provide the end point for a release, but the only tool that can indicate the start and end points for a release is inventory control. Only six of the sites that were analyzed had inventory control records available. In most cases, the timing of releases could not be determined.

OPINIONS

Based on a review of available documents for 52 sites with records indicating 118 release incidents, I have the following opinions:

- Subsurface releases were discovered through soil excavation or groundwater investigation activities 55 percent of the time. Virtually all facilities that had excavation or groundwater investigations discovered evidence of a release.
- Because excavation is a dominant method of discovering releases, it is very often not possible to identify the component of a storage system that failed.
- Because so few inventory records were contained in the documents reviewed, it is not possible to provide estimates of the timing or volume of subsurface releases. For those sites where inventory records were present, it was most often not possible to conclusively determine that a loss trend in the inventory indicated a release because of the absence of maintenance, inspection, calibration and other records that are necessary to identify a release or exclude other possible causes for the loss trend in the inventory data. The only exception to this is the facility at 84-04 Parsons Blvd., where documents describing the discovery of a leaking line leak detector were available.
- The release documentation for the facilities in Queens that were reviewed is similar to that of most other facilities that I have reviewed. Although evidence of a release is present, documentation of the source, volume, and timing of the release is most often very sparse or non-existent.

The opinions expressed in this report are based on the information and documents that I have reviewed to date. I reserve the right to modify these opinions in light of any additional information that may come to my attention.

Appendix B

Site Summaries

Sorted by Street Address

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131-07 Merrick Blvd, Rochdale Village, NY			
Citgo/Amoco			
<p>Summary: Active Amoco Service Station – Ten 550-gal and one 4,000-gal gasoline USTs removed in 1996 – steel tanks with no leak detection. One 550-gal waste oil UST removed in 1996. Five 4,000-gal gasoline USTs installed in 1996 still in service – FRP with interstitial – electronic monitoring.</p> <p>Spill No. 95-12911 was due to equipment failure, and gasoline <u>with MtBE</u> leaked. Soil and GW impacts discovered during site assessment. MtBE survey in 1998 states the max MtBE measured was 1,110,000 ppb and the current MtBE was 1,090 ppb. The source is listed as piping, and ongoing remediation as pump and treat.</p> <p>DEC sent a Stipulation Agreement to the property owner in November 2004. Tyree completed an investigation in February of 2005 and found high concentrations of BTEX and MtBE at 202 ppb. Report in 2006 states that two of four MWs had free product (0.18 to 0.45 ft) and MtBE up to 14 ppb.</p> <p>Notes: Spill No. 95-12911 Two other retail gas facilities identified in Section 157.</p>			
Adobe Page #	Bates # NA	Date	Notes
Toxic Targeting Database – Section 157, 10/8/2008			
39	Map ID 2	1/17/1996	<p>Spill No. 95-12911 – Equipment failure</p> <ul style="list-style-type: none"> • Citgo Station • Gasoline with MtBE leaked. • Impacts to soil and GW discovered during site assessment.
		11/22/2004	<ul style="list-style-type: none"> • Stipulation Agreement sent to property owner requiring investigation. • Tyree completed Subsurface Inv in Feb 2005. • GW 11 ft bgs – Contained benzene (8,750 ppb, toluene (37,200 ppb), ethylbenzene (2,730 ppb), and xylenes (10,700). <u>No MtBE detected in one well and 202 ppb in the other.</u>
		1/17/2006	<ul style="list-style-type: none"> • Four MWs – free product in two wells (0.18 to 0.45 ft). • Total BTEX up to 228 ppb, and MtBE up to 14 ppb.
		5/8/2006	<ul style="list-style-type: none"> • Qtrly GW monitoring reports overdue – DEC notified Tyree.
		Fall 1998	<ul style="list-style-type: none"> • MtBE survey

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			<ul style="list-style-type: none"> • Max MtBE – 1,110,000 ppb; current MtBE – 1,090 ppb. • Source – piping • Aquifer impacts and ongoing remediation – pump and treat.
84	Map ID 38		<p>Amoco Service Station – Active</p> <ul style="list-style-type: none"> • Ten 550-gal and one 4,000-gal gasoline USTs removed in 1996 – steel tanks with no leak detection. • One 550-gal waste oil UST removed in 1996. • Five 4,000-gal gasoline USTs installed in 1996 still in service – FRP with interstitial – electronic monitoring.
Other Retail Gas Stations in Section 157			
73	Map ID 33		<p>Brooklyn Union c/o Queens Service Station, 127-11 Farmers Blvd, Queens</p> <ul style="list-style-type: none"> • Seven USTs removed in 1996 – Six 550-gal and one 4,000-gal. Most gasoline tanks installed in 1970. • Two in service tanks – 55-gal (Other)
77	Map ID 35		<p>Poughy Enterprise Corp., 130-39 Merrick Blvd, Queens</p> <ul style="list-style-type: none"> • Eleven 550-gal gasoline USTs closed in place, four in 2000 (others no date) • Two (2,000-gal and 2,500 gal) diesel USTs closed in place, one in 2000. • Three 4,000-gal gasoline USTs in service, installed in 2000. • Three 4,000-gal gasoline USTs out-of-service, installed in 1993. • In service and out-of-service tanks are fiberglass coated steel, with interstitial electronic monitoring. • Tanks closed in place are steel, with no LD.

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202-06 Hillside Ave, Hollis Exxon 3-7315; Conoco #
<p>Summary: This facility was an active service and gas station that was Conoco owned, but Exxon branded. Cumberland Farms assumed responsibility for the site in Sept 2003.</p> <p>USTs: In 1990, twelve 550-gal USTs dating from 1964 were removed from the site. The tanks were structurally sound and free of corrosion, but there were organic vapors on sidewalls (up to 3,600 ppm), and 9,377 ppm of TPH in one soil sample from the bottom of the tank excavation. Impacted soil was returned to the excavation and additional investigation was recommended (no MtBE data). Five 4,000-gal FG coated steel tanks along with two 1,000-gal USTs for heating oil and used oil remained in the ground, all installed in 1984.</p> <p>Spills: In Jan 1992, a consultant confirmed closure of a floor drain, sump pit, and storm drain. The floor drain and sump pit were in the service bay, and formerly discharged to a small storm drain. The 1,000-gal USTs were removed in the spring of 1998. A previously unknown drywell and hydrocarbon impacted soil were discovered during the 1998 removal, and Spill No. 97-13740 was assigned. BTEX & MtBE were found in soil above criteria – BTEX up to 1,068,000 ppb. MtBE not quantified due to elevated detection limit. A total of 894 tons of impacted soil were removed, with 8 yd³ drywell sludge and soil.</p> <p>Investigation: Three MWs were installed on site in 1999, and three were installed off-site in 2000. BTEX and MtBE exceeded Standards in these wells. Quarterly GW monitoring began in 1999. Also in 1999, product was observed in MW-3 (0.7 ft), and product recovery was undertaken. A product recovery bailer was installed at MW-3 in 2000. In MW-1, total BTEX of 1,654 ppb and MtBE of 249 ppb were measured. Two municipal water supply wells were identified within 2,500 feet of the site. Three well nests were installed at presumed downgradient locations in 2001. The max total BTEX in GW in 2003 was 55,716 ppb; max MtBE was 1,020 ppb.</p> <p>Remediation: In 2003, an SVE/AS system was shown to be a feasible remediation strategy for the site, and a <i>Remedial Action Plan</i> was written but was not implemented. In a letter to DEC in March 2006, the consultant for Cumberland Farms (LBG) argued for natural attenuation, based on the depth to GW (70 ft bgs) and a decreasing trend in the concentrations of VOCs in GW. In a letter dated Feb 2008 from DEC to Cumb Farms, DEC noted the persistent dissolved petroleum contamination at MW-3 and low levels of chlorinated solvent contamination in GW on site, and requested a remedial action plan.</p> <p>Notes: Spill No. 97-13740. There are some tank testing data and reports in the file; none indicate leakage.</p>

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Adobe Page #	Bates # 2MDLCP00	Date	Notes
CD8			
1	489178	12/10/1999	Ltr describing Product Recovery Activities (GSC) <ul style="list-style-type: none"> • 6 gal product recovered in May & Nov 1999
4	489181	Jan 1999	<i>Subsurface Investigation Report</i> (GSC) <ul style="list-style-type: none"> • Hydrocarbon impacted soil discovered during construction activities • 4 soil borings, 3 MWs • Product in MW-3 • BTEX & MtBE in soil above criteria – BTEX up to 1,068,000 ppb. MtBE not quantified due to elevated Detection Limit. • BTEX in GW above STARS Guidance
64	489241	July - Oct 1999	<i>Site Update Report</i> (GSC) <ul style="list-style-type: none"> • 0.73 feet of product in MW-3; product bailing at MW-3 recovered 1 gal. • Total BTEX of 1,654 ppb in MW-1; MtBE of 249 ppb in MW-1. <i>Site Update Report</i> (GSC) for Nov 1998 to Jan 1999 also included.
97	489274	9/7/1990	<i>Tank Field Excavation Assessment</i> (Unico) <ul style="list-style-type: none"> • Twelve 550-gal USTs removed • Tanks structurally sound and free of corrosion. • Organic vapors on sidewalls from 12 – 3,600 ppm. • Lab analysis of bottom soil – up to 9,377 ppm of TPH. • Impacted soil was returned to the excavation and additional investigation recommended. • No MtBE data.
120	489297	9/9/1997	PBS Registration Certificate <ul style="list-style-type: none"> • Five 4,000-gal FG coated steel tanks, installed in Dec 1984. Tanks tested in April 1997.
122	489299	Jul – Oct 1999	Repeat of Site Status Report
140	489317	2000 - 2001	## Monthly Compliance Reports (Simplicity) <ul style="list-style-type: none"> • In Tank, Line Leak Detection, and Sensors all Normal/Passed. Certificate of Tightness (Crompco)

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			<ul style="list-style-type: none"> All tanks and lines passed.
		July – Sept 2000	<i>Site Status Update Report</i> <ul style="list-style-type: none"> 6 MWs, all gauged and sampled Total BTEX highest in MW-3 – 30,400 ppb in 1999. Conc decreased to 8,179 ppb in MW-3 in 2000. MtBE highest in MW-5 – 838 ppb in 2000.
184	489361	8/10/2000	<i>Sensitive Receptor Survey (GSC)</i> <ul style="list-style-type: none"> Two municipal water supply wells within 2,500 feet of the site.
224	489401	Feb – July 2002	<i>Site Status Update Report</i> <ul style="list-style-type: none"> In addition to 6 MWs, 3 well nests. LPH not detected in any wells. Data table quality poor – Total BTEX and MtBE still highest in MW-3.
314	489491	Oct – Dec 2000	<i>Site Status Update Report</i>
383	489560	Nov 2002 – Apr 2003	<i>Site Status Update Report</i> <ul style="list-style-type: none"> LPH not detected. BTEX at MW-3 = 18,510 ppb; MtBE at MW-3 = 710 ppb
430	489607	7/8/2003	<i>Remedial Action Plan (GSC)</i> <ul style="list-style-type: none"> Facility is Conoco owned, but Exxon branded Five 4,000-gal DW USTs, four dispenser islands. Depth to GW is 70 ft bgs. Qrtly GW Monitoring started in Sept 1999. Max Total BTEX = 55,716 ppb; max MtBE = 1,020 ppb. SVE/AS remediation
467	489644	5/31/2003	<i>SVE/AS Remediation Feasibility Investigation Report (GSC)</i> SVE/AS system shown to be feasible remediation strategy. Summary of Post March 1998 Activities <ul style="list-style-type: none"> March – July 1998 – Heating oil and used oil USTs removed (1,000-gal each). Unknown drywell discovered and hydrocarbon impacted soil. Total of 894 tons impacted soil removed, with 8 yd3 drywell sludge and soil. June 1998 – Eight soil borings and three MWs; samples had BTEX above criteria. Nov 1998 – LPH recharge rate in MW-3 of

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			<p>0.0075 ft/min.</p> <ul style="list-style-type: none"> • May and Nov 1999 – 6 gal LPH recovered. • Jan 2000 – Product recovery bailer installed at MW-3. • May – June 2000 – Three offsite MWs installed; BTEX and MtBE in samples above AWQSS. • June 2000 – Sensitivity Receptor Survey indicates proximity of public water supply wells and other receptors.
FOIL DATA – All separate documents			
		Various	Quarterly Monitoring Reports from 4 th Qtr 2004 through 3 rd Qtr 2007. (Did not review in detail).
35		July 17, 2001	<p><i>Supplemental Subsurface Investigation Report</i> (GSC) attached to doc with Quarterly Monitoring Reports for 2005</p> <ul style="list-style-type: none"> • Describes the installation of the three multi-level well nests downgradient of the site (WN-1 thru WN-3). • Sampled wells – max MtBE conc = 358 ppb. <p>Doc also includes copy of RAP (2003) and earlier Site Status Update Reports.</p>
		3/9/2006	<p>Ltr from LBG to DEC – Detailed description of onsite activities since 1998 (per requests of DEC). <i>Excellent history of investigations.</i></p> <ul style="list-style-type: none"> • Depth to GW is 60 ft bgs • Recommend continued Qtrly GW sampling, but no active remediation (natural attenuation).
1		2/25/2008	<p>Quarterly Monitoring Report – 4th Qtr 2007 (LBG)</p> <ul style="list-style-type: none"> • Twelve tanks removed in 1990. • Spill No. 97-13740 – Releases discovered during tank removal at former station in 1997-98. • 3 onsite wells installed in 1999; 3 offsite wells in 2000; and 3 downgradient well nests in 2001. • Qtrly monitoring since 1999. • Separate phase product not observed since 1999 (historically, only in MW-3) • GW flow to north-northwest • BTEX above standards at MW-3 • MtBE – 30 ppb at MW-3 in latest round

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1	None	2/22/2008	Ltr from DEC to Cumb Farms – Notes persistent dissolved petroleum contamination at MW-3, and low levels of chlorinated solvent contamination in GW on site. Requests remedial action plan.
Site Rem File – 3,184 pages			
	XOM- NYC-REM- 07		
4	6357	12/29/1998	Product Recharge Test Results at MW-3 (GSC) <ul style="list-style-type: none"> • After 40 min, pre-bailing thickness of 0.3 ft in well.
6	6359	11/18/1992	<i>Bay Drain/Dry Well Closure Report</i> (Unico) <ul style="list-style-type: none"> • Active service and gas station, with floor drain and sump pit in service bay • Closure of floor drain, sump pit, and storm drain confirmed on Jan 1992. Floor drain and sump pit formerly discharged to small storm drain west of building.
12	6365	Various 1998 - 2003	Duplicate copies of: <ul style="list-style-type: none"> • <i>Site Update Status Reports</i> • <i>Sensitive Receptor Survey</i> • <i>Supplemental Subsurface Investigation Report</i>
636	7010	2000	Correspondence re investigations with: <ul style="list-style-type: none"> • DEC • DOT
641	7015	12/10/1999	Duplicate copy of Product Recovery Activities Letter (GSC)
643	7017	4/7/1998	Soil Preclassification Sampling Memo (GSC)
648	7022	1998 - 2001	Various correspondence related to site investigation: <ul style="list-style-type: none"> • Misc. Faxes and duplicate reports • Ltr re off-site drilling permits • Soil testing for disposal parameters • Drywell removal proposal (GSC) • ## Fax on p. 733 (7107) lists areas of potential concern, with annotated site plan. • Duplicate letters • Pre-construction meeting notes (3/5/1998) • Basis for Spill No. 97-13740 – Visible staining, gasoline odor, PID of 1900 ppm. • Access requests and field work notifications. • Information requests and responses – includes details re water supply wells within

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			$\frac{3}{4}$ -mile of the site.
803	7177	9/7/1990	Exec Summary from <i>Tank Field Assessment Report</i> (Unico)
807	7181	April 1998	## PBS Forms filed in 1986 <ul style="list-style-type: none"> • Twelve 550-gal tanks installed in 1964 • Five 4,000-gal bare steel tanks installed in 1984 • One 1,000-gal tank installed in 1984
811	7185	9/10/2003	Ltr from ExxonMobil to DEC – Agreement between ConocoPhillips and ExxonMobil states that Cumberland Farms will be responsible for remediation at the site, as of date of sale (9/10/2003).
816	77190	Mostly 1998 – Some from 2002	Misc correspondence re remediation at site <ul style="list-style-type: none"> • Remediation system layout • Mostly logistical arrangements • ## On p. 77296, mentions “cesspool” referred to in a more politically correct manner as “historic drywell”.
1009	7383	1998 - 2001	<u>Contracts and Proposals</u> <ul style="list-style-type: none"> • Includes duplicate copy of <i>2002 Site Update Status Report</i> • Street opening permits • Water supply maps
1190	7564	2002 - 2003	<u>Field Work</u> – Job reports, task assignments, driller’s logs, field log books related to Qtrly well sampling, invoices
1212	7586	1998 - 2003	Laboratory Analytical Data – Primarily monitoring samples.
1906	78280	Jan 1999	<i>Tank Excavation Assessment Report</i> (GSC) <ul style="list-style-type: none"> • Documents removal of 1,000-gal used oil UST; 1,000-gal heating oil UST, and three hydraulic lifts. No visible holes in tanks. Disposed of 511 gallons of heating oil and used oil from tanks, and 894 tons of gasoline impacted soil. • Describes lining of existing gasoline USTs and construction of new convenience store, pump islands, canopy, and three drywells. • Drywell 1, referred to as the station’s cesspool, was found to be a cylindrical structure, 10-ft diameter and 19-ft deep with native sand floor. Tyree vacuumed contents, and then removed 8 yd3 of soil & debris.
2177	8551	2000	Water supply well information from the City of

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138-19 Hillside Ave, Jamaica			
Conoco #30434			
<p>Summary: From Nov 1997 to March 1998, USTs and product piping were removed from the site. Four new FRP USTs were installed at this time: two 12,000-gal tanks and two 8,000-gal tanks. The USTs that were removed included: five 4,000-gal DW Buffide tanks; one 1,000-gal steel fuel oil tank; and one 550-gal steel used oil tank. All of the tanks were in good condition with no apparent holes.</p> <p>Spill No. 97-10432 was assigned based on PID readings in soil. A total of 4,175 tons of soil were removed. No VOCs were detected in the post-excavation soil samples, and no SVOCs were detected in the samples from the fuel oil tank area. In Jan 1999, a request was made to DEC for closure of the spill no. A form in the file states that Regulatory Closure was received on May 30, 2003, and that remediation responsibility had been transferred to Cumberland Farms.</p> <p>Tank and line testing records show that there were deficiencies in line checks in April thru July 2000.</p> <p>Notes: Spill No. 97-10432</p>			
Adobe Page #	Bates # 2MDLCP 0088	Date	Notes
	2768	April 2000	Compliance Deficiency Report <ul style="list-style-type: none"> Lines 1, 7, 8 – Did not pass annual compliance check. Other lines and four tanks passed.
	2773	5/30/2003	Regulatory Closure Notice – Remediation responsibility transferred to CFI.
	2774	2000 - 2001	Monthly Veeder Root Testing Results – Tanks, Lines, Sensors – All normal or passed.
	2786	May - July 2000	Compliance Deficiency Report <ul style="list-style-type: none"> Lines 5, 7, 8 – Did not pass annual compliance check. Other lines and four tanks passed.
	2792	2000	Crompco Certificate of Tightness <ul style="list-style-type: none"> All tanks passed.
	2805	8/5/1997	PBS Registration <ul style="list-style-type: none"> Two 12,000-gal FRP tanks installed in June 1997 Two 8,000-gal FRP tanks installed in June 1997.
	2978	1/28/1999	<i>Tank Excavation Assessment Report (GSC)</i>

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236-01 Linden Blvd, Elmont			
Chevron #120419			
<p>Summary: In January 1986, a 10,000-gal steel UST containing Super Unleaded gas failed Petro-Tite test. Two other tanks passed. All tanks were installed in 1969. Chevron emptied and replaced the tank, and installed 4 monitoring wells. No documentation of the removal was provided. No petroleum odors were reported during well installation. PetroTite test again on 5/23/1988; all tanks passed. Lab results from August 1989 revealed no BTEX in wells; analysis did not include MtBE. Monitoring reports for May 1989 through June 1990 showed no floating product in wells. Chevron used these results to state that it would have no further cleanup obligations, and responsibility for the site was solely Cumberland Farm's (the owner). No DEC closure letter in file, and no documentation of any remediation work in the file.</p> <p>NOTE: Spill # 85-03695. Many documents removed as privileged.</p>			
Adobe Page #	Bates CHNY 000	Date	Notes
CD6 – ALL			
1	2912	3/7/1991	Mid Atlantic Env Group Status Sheet – various sites
5	2915	Aug 1989	Lab Report – BTEX ND for 4 wells tested. MtBE not tested.
11	2921	2/9/1989	Report on file review: No petroleum odors during well installation and no evidence of contamination in wells in Feb 1989. PetroTite testing on 5/23/1988 – three pumping systems and lines all passed. Concluded no further work required. Tank test results included.
18	2934	5/21/1986	List of “Confirmed Tank Leaks” at various sites. Header says “Continued” but only one page – site not on it.
19	2935	1986-	Misc correspondence, invoices, contracts, and removed documents.
95	3013	1/21/1986	**Tank test results – 10,000 Super Unleaded Tank Failed. Two others passed. Test data included.
109	3027	1986 -	Invoices, driller's field logs, proposal for new tank installation
121	3040	8/16/1989	Legal – Declaration of Restrictive Covenants, re-zoning application and related documents
141	3063	May 1989 -	Monthly monitoring for floating product in wells – none detected.

Initials: CMF/MM

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166	3088	5/2/1986	RE: Mostly related to budgeting for tank removal. Includes proposals.
213	3134	1/23/1986	Leak notification report. Test Failure – 10,000 gal tank failed Petro-Tite test. Tank installed in 1969. No indication of how much leaked, but report states that leakage was confined to the property.
219	3142	1/22/1990	GW Report – 4 wells tested – Doc removed as privileged.
221	3144	1992	Legal – Mostly related to zoning and occupancy docs, building permits
247	3173	1/22/1990	Env. Assessment completed – No separate phase product, no dissolved constituents since May 1989, and no BTEX in July 1989. MTBE not tested. Monthly product monitoring reports repeated.
277	3203	9/1989	RE: Building Permit and zoning
292	3218	5/9/1989	Internal memo – summary of status. Failed tank test, replacement tank, need to monitor GW for one year, implications for property transfer.
300 - 327	3238	1/24/1986	Letter from NYSDEC outlining requirements related to failed tank test (Spill 85-03695) – Remove tank (in presence of inspector), inspect for leakage, install MWs, monitor. Photos and site plans and construction plans related to tank removal and installation of new tank.
302 (Part of above entry)	3240	1/23/1986	Internal note from Jack Baer to R. Etzold – Tank to be pumped and replaced with fiberglass tank. Nassau County prohibits repairs to steel tanks. <u>Requests 90-day audit of dealer records to determine how many (if any) gallons lost.</u> No records of whether this audit was done, or what was found.
320	3264	1977 - 1982	Docs related to Bragg Service Station, JFK Site 1.